

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.130

Case No. : C. R. No. 5558 of 2023

Date of Decision : October 30, 2023

Surinder Kumar

.... Petitioner

vs.

Raman (since deceased) through LR

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Arjun Dhingra, Advocate
for the petitioner.

Mr. Manuj Nagrath, Advocate
for the respondent.

* * *

GURBIR SINGH, J. :

1. Challenge in the present revision petition filed under Article 227 of the Constitution of India is to the order dated 22.08.2023 (Annexure P-5), passed by learned Rent Controller, Yamuna Nagar at Jagadhri, thereby allowing application of respondent/plaintiff to lead evidence.

2. Learned counsel for the petitioner/defendant has contended that respondent/plaintiff availed of several opportunities to lead the evidence since 2017 but failed to conclude the same. Therefore, vide order dated 10.07.2023, the learned Rent Controller closed the evidence of respondent/plaintiff by court order. Despite that, vide order dated 22.08.2023, the learned Rent Controller has allowed the application filed by respondent/plaintiff for leading the evidence, by recalling the earlier order dated 10.07.2023 though there is no provision in the Rent Act or CPC to

3. On the other hand, learned counsel for the respondent/plaintiff has submitted that on 10.07.2023, the evidence of respondent/plaintiff was closed by court order. Suman Puri – General Power of Attorney of LR of the plaintiff was representing the case of plaintiff. He is a resident of Jalandhar. Since there was heavy rainfall in Punjab on 10.07.2023, he could not travel from Punjab to the Court of learned Rent Controller, Yamuna Nagar at Jagadhri. Since the reason for his absence was beyond his control, the learned Rent Controller gave another opportunity to lead his evidence.

4. I have heard submissions made by learned counsel for the parties and have gone through the record.

5. No doubt, there was heavy rain on 10.07.2023. Due to said reason, many parts of Punjab were under flood. The petitioner has placed on record a copy of resolution dated 09.07.2023, passed by the Punjab and Haryana High Court Bar Association as well as District Bar Association, Jagadhri dated 10.07.2023, requesting for not passing any adverse orders in the cases due to non-presence of Advocates as they may not be able to attend the Courts due to heavy rain and water logging. On 10.07.2023, request was also made by the counsel for the respondent/plaintiff-landlord for adjournment on the ground of non-travelling of his client but even then, the evidence was closed by order.

6. The argument of learned counsel for the petitioner/defendant-tenant is that the Rent Controller could not review its own order and has wrongly allowed the application for leading the evidence. However, this Court is of the view that the respondent/plaintiff-landlord could not appear in the Court due to heavy rain and it was beyond his control, so, the learned

Rent Controller was within its power to set aside its earlier order. No technicality can stand in the course of justice. Strict rules of Code of Civil Procedure are not applicable to the proceedings before the Rent Controller. Due to special circumstances and keeping in view the fact that absence of petitioner was not at all within his control, the learned Rent Controller, vide impugned order dated 22.08.2023, allowed the application moved by the respondent/plaintiff-landlord. However, petitioner/defendant-tenant was required to be adequately compensated.

7. In view of above discussion, I do not find any illegality in the impugned order passed by learned Rent Controller. There is no merit in the present revision petition and the same is accordingly dismissed. The petitioner/defendant-tenant is compensated with costs of Rs.10,000/- to be paid by respondent/plaintiff-landlord for leading the evidence.

8. Pending applications, if any, shall stand disposed of along with this judgment.

October 30, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.